IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**WRIT PETITION NO : 6809 of 1995**

Between:

M/s K.C.P.Sugar and Industries Corporation Ltd., rep.by Chairman and Managing Director
(Cause title is amended as per court order Dt.1/9/98 in WPMP No.21788 of 1998)

..... PETITIONER

AND

The Sub Divisional Magistrate & Revenue Divisional Officer
Nuzvid, Krishna Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or order or direction particularly one in the nature of certiorari calling for the records relating to MC.No. (C.6168/94) - Notice under Section 133 Code of Criminal Procedure Dt.30/03/1995 on the file of the Sub-Divisional Magistrate and Revenue Divisional Officer, Nuzvid, and to quash the same and to pass such other order.

Counsel for the Petitioner:M/S C.KODANDA RAM

Counsel for the Respondent.: GP FOR ASSIGNMENT

**The Court made the following O R D E R:**

Heard learned counsel for the parties.

The petitioner had challenged the notice issued by the Sub-Divisional Magistrate & Revenue Divisional Officer, Nuzvid, passed in terms of Section 133 of the Code of Criminal Procedure.

It was challenged on various grounds. During the hearing of this writ petition, the Pollution Control Board was directed to file a report. They had filed a report and they pointed out various deficiencies. The report is based on an inspection report dated 10-11-2004. Now an additional affidavit to this report has been filed by the writ petitioner stating therein that whatever shortcomings were pointed out by the Pollution Control Board have now been taken care of and at present there is no pollution created by the Company.

In view of these pleadings, the writ petition is disposed of quashing the impugned notice passed by the respondent- Sub-Divisional Magistrate & Revenue Divisional Officer, Nuzvid, Krishna District. However, it is the responsibility of the Pollution Control Board to serve as a watchdog and inspect the petitioner Company again and in case of any deficiency, to pass appropriate orders. No order as to costs.

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(Bilal Nazki, J)

Date:3rd March, 2005

**Note**: Copy of this order be given to Sri S.V.Bhatt,

counsel appearing for the A.P.Pollution Control Board.

B/o

vrn.

To

1 The Sub Divisional Magistrate & Revenue Divisional Officer
Nuzvid, Krishna Dist

2 Two CCs to the G.P. for Revenue, High Court Buildings,

A.P. Hyderabad.

3 Sri S.V.Bhatt, counsel appearing for the Pollution Control Board,

High Court of A.P.